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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,398	08/20/1999	PATRICK TEO	04324.P018	9103

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MARTINE & PENILLA, LLP
710 LAKEWAY DRIVE
SUITE 170
SUNNYVALE, CA 94085

EXAMINER	
LEE, RICHARD J	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 11/20/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/378,398	TEO, PATRICK	
	Examiner	Art Unit	
	Richard Lee	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-122* is/are pending in the application.

4a) Of the above claim(s) *38-122* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *9,10* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-31, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunton et al of record (6,304,284) for the same reasons as set forth in paragraph (4) of the last Office Action (see Paper no. 8).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-11, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al for the same reasons as set forth in paragraph (6) of the last Office Action (see Paper no. 8).

5. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al as applied to claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-31, and 35-37 in the above paragraph (2), and further in view of Inoue of record (6,144,804) for the same reasons as set forth in paragraph (7) of the last Office Action (see Paper no. 8).

6. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al as applied to claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-31, and 35-37 in the above paragraph (2), and further in view of Kang et al of record (6,256,058) for the same reasons as set forth in paragraph (8) of the last Office Action (see Paper no. 8).

7. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al as applied to claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-31, and 35-37 in the above paragraph (2), and further in view of Dube et al of record (6,269,144) for the same reasons as set forth in paragraph (9) of the last Office Action (see Paper no. 8).

8. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al as applied to claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-31, and 35-37 in the above paragraph (2), and further in view of Truc et al of record (6,268,936) for the same reasons as set forth in paragraph (10) of the last Office Action (see Paper no. 8).

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dunton et al and Truc et al as applied to claims 1-8, 12, 14-16, 18, 20, 23, 24, 27, 29-33, and 35-37 in the above paragraphs (2) and (8), and further in view of Yui et al of record (US 2002/0175924 A1) for the same reasons as set forth in paragraph (11) of the last Office Action (see Paper no. 8).

10. Regarding the applicant's arguments at pages 9-10 of the amendment filed September 8, 2003 concerning in general that "... in accordance with Dunton et al, after the user takes a first image, the camera uses arrows or voice signals to prompt the user to move the camera to a desired point calculated by the processor to take a second sequential image. In contrast, independent claim 1 defines the viewfinder displaying the second field of view and at least a portion of the first field of view. Instead of displaying a portion of the first image along with the second sequential image, Dunton et al rely on prompts to signal the user to move the camera in a particular direction. Since the portion of the reference relied upon by the Examiner discloses a viewfinder that does not display a portion of the first image, Dunton et al cannot reasonably be considered to disclose or suggest to one having ordinay skill in the art the viewfinder displaying the second field of view and at least a portion of the first field of view as defined in independent claim 1 ...", the Examiner respectfully disagrees. Though Dunton et al may teach various features including the particular use of visual (arrow), voice, or audio prompting a user to move the camera in a particular direction, Dunton et al nevertheless anticipates the claimed invention. Specifically, the applicant's attention is directed to column 8, lines 11-62 of Dunton et al wherein it is taught that a proper amount of overlap between sequential images is being displayed on the LCD of the viewfinder. And by moving the camera with the aid of visual, audio, and voice prompts, each one of the sequential images picked up and displayed includes an overlapping region, and thus provides the display of the second field of view when the camera lens is in the second orientation and displaying at least a portion of the first field of view at least partially composited with the second field of view, as claimed.

Regarding the applicant's arguments at pages 11-12 of the amendment filed September 8, 2003 concerning the section 103 rejections and in particular that Dunton et al cannot reasonable be considered to disclose or suggest to one of ordinary skill in the art the viewfinder displaying the second field of view and at least a portion of the first field of view, the Examiner wants to point out that such arguments have been addressed in the above.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

11/19/03